

**BOARD OF SUPERVISORS**

**MINUTES**

**February 9, 2005**

**Supervisors in Attendance:**

Mr. Edward B. Barber, Chairman  
Mr. R. M. "Dickie" King, Jr.,  
Vice Chairman  
Mrs. Renny Bush Humphrey  
Mr. Kelly E. Miller  
Mr. Arthur S. Warren  
  
Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Colonel Carl R. Baker,  
Police Department  
Mr. George Braunstein,  
Exec. Dir., Community  
Services Board  
Mr. Craig Bryant, Dir.,  
Utilities  
Dr. Billy Cannaday, Jr.,  
Supt., School Board  
Ms. Marilyn Cole, Asst.  
County Administrator  
Ms. Mary Ann Curtin, Dir.,  
Intergovtl. Relations  
Ms. Rebecca Dickson, Dir.,  
Budget and Management  
Mr. Robert Eanes, Asst. to  
the County Administrator  
Ms. Lisa Elko, CMC  
Clerk  
Mr. Bradford S. Hammer,  
Deputy Co. Admin.,  
Human Services  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Bat. Chief Mike Hatton,  
Fire Department  
Mr. Joseph A. Horbal,  
Commissioner of Revenue  
Mr. Donald Kappel, Dir.,  
Public Affairs  
Capt. Donald Newton,  
Sheriff's Office  
Mr. R. John McCracken,  
Dir., Transportation  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. Francis Pitaro, Dir.,  
General Services  
Ms. Karen Russell, Dir.,  
Risk Management  
Ms. Sarah Snead, Dir.,  
Social Services  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development

Mr. Thomas Taylor, Dir.,  
Block Grant Office  
Mr. Kirk Turner, Dir.,  
Planning

Mr. Barber called the regularly scheduled meeting to order at 3:39 p.m.

**1. APPROVAL OF MINUTES FOR JANUARY 26, 2005**

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved the minutes of January 26, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

**o LEGISLATIVE UPDATE**

Ms. Curtin provided an update on General Assembly activities. She stated no funds were included in either the House or Senate budgets introduced last weekend for the car tax relief program, and noted the state has addressed the county's cash flow issues that resulted from changes to the Personal Property Tax Relief Act. She further stated House Bill 2456 and House Bill 2888 relative to cash proffers have both been amended, passed the House and crossed over to the Senate, and will be heard in Local Government Committee.

In response to Mr. Miller's question, Ms. Curtin stated the amendment to House Bill 2888 clarifies that the proposed five-year period in which to spend cash proffers would begin on the date of collection of the last cash proffer for a development, and if the money has to be forfeited for not being spent within the five-year period, it would be forfeited to the locality's Secondary Road Fund, rather than the State Literary Fund, as originally proposed.

Mr. Barber stated House Bills 2456 and 2888 have opposite effects in that one demands that cash proffers be spent quickly and the other demands that they not be required early. He expressed concerns that cash proffers could be taken away from other areas and be used strictly for transportation, indicating this could impact long-range planning. He also expressed concerns relative to the votes of the county's house members on House Bills 2456 and 2888.

Ms. Curtin stated the five bills relative to group homes have all successfully passed their house of origin and passed over to the other house with virtually no opposition. She further stated the legislation relative to death benefits, community development authority and transportation advance funding have also successfully passed their houses of origin, crossed over and will be heard in various committees next week. She noted a commending resolution was introduced today to recognize former Fire Chief Stephen Elswick.

Mr. Warren stated if the cash proffer legislation results in an adverse financial impact on the county, he feels the Board

should discuss increasing overall cash proffers because of loss of revenue as a result of the legislation.

Mr. Barber expressed concerns that the proposed legislation could have an effect on the way the county hears and disposes of zoning cases.

### **3. BOARD COMMITTEE REPORTS**

Mr. Barber stated he went with county staff to meet with the management group in Philadelphia that the county is partnering with to purchase and redevelop Cloverleaf Mall. He expressed appreciation to staff for their efforts in this endeavor, indicating that he looks forward to having a great project on the site.

Mr. Warren stated he attended a VACo Board of Directors meeting last week. He noted many counties represented on the VACo Board are reducing their real estate tax rates to offset increased assessments, indicating that Chesterfield may need to address this issue as well.

### **4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. Miller, seconded by Mr. King, the Board added Item 8.B.10., Award of Contract for Bellwood Elevated Water Storage Tank Repainting and Repairs Project; replaced Item 11., Closed Session Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as Amended, for Consultation with Legal Counsel Pertaining to Actual Litigation in the Case of Simpson v. Chesterfield County and Consultation with Legal Counsel and Briefings by Staff Members on Specific Legal Matters Regarding a Sewer Back-Up Claim in Creekwood Subdivision; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

### **5. RESOLUTIONS AND SPECIAL RECOGNITIONS**

There were no resolutions or special recognitions at this time.

### **6. WORK SESSION**

#### **o PROJECTED FY2006 REVENUE AND THE CHESTERFIELD COMMUNITY SERVICES BOARD FY2006 BUDGET**

Ms. Dickson presented an overview of FY2006 projected revenues. She stated the county's 2005 population estimate is 291,000, which represents a 2.5 percent increase from January 2004. She reviewed FY2005 adopted versus FY2006 approved and amended revenues. She then reviewed General Fund revenues from FY94 and FY2004. She stated the budget assumes a real estate tax rate of \$1.07. She reviewed statistics from 1998 through 2005 for real estate assessed value of residential and commercial properties; percentage change of real estate assessed value; percentage of assessed

value for commercial/industrial real estate; and number of single and multi-family building permits. She stated the budget assumes that personal property taxes maintain the current rate. She reviewed new and used car registrations and percentage of personal property revenue change from FY99 through FY2006 amended. She noted the state has addressed the county's budget and cash flow issues that resulted from changes to the Personal Property Tax Relief Act, indicating that under the proposal, Chesterfield will receive reimbursements in three installments: 86 percent before July 31<sup>st</sup>; and the remaining amounts on or before August 15<sup>th</sup> and November 15<sup>th</sup>.

Mr. Miller clarified that less personal property tax relief to individual taxpayers is a result of a cap by the state and not any action of the county.

Ms. Dickson stated local sales tax receipts for FY2004 were 8.0 percent over FY2003 receipts, and current projections indicate a 4.8 percent increase for FY2005 from FY2004. She reviewed local sales tax percentage change and local sales tax percent distribution. She then reviewed FY2006 General Fund sources, indicating that \$36.6 million in new revenue is available for FY2006. She reviewed FY2006 General Fund uses and noted approximately \$10.4 million in departmental requests for FY2006 are not addressed at this time. She then reviewed proposed utilities fee increases for FY2006, including adjustments to base charges and increases in other services. She stated the FY2006 budget assumes the second step of the two-year increase in the landfill gate fee from \$7 to \$8.

Mr. Miller expressed concerns that a large percentage of the increase in revenue is a result of substantial increases in residential revaluations. He stated he believes equity would demand that the Board address the issue of relief for taxpayers and suggested that the Board consider a planned tax relief strategy.

When asked, Ms. Dickson stated every cent of the real estate tax results in \$2.2 million in revenue.

Mrs. Humphrey requested a list of the departmental funding requests that have not been addressed.

Mr. Ramsey stated the budget will be balanced when it is presented to the Board on March 9, 2005, and staff will provide details of unfunded requests at that time.

Mr. King stated he has supported a reduction in the real estate tax rate for a long time, but feels the Board must be sensitive to the impact of a tax reduction on the school system. He further stated he supports Mr. Miller's suggestion of real estate tax reductions over a period of time with a targeted goal.

In response to Mr. Warren's question, Ms. Dickson stated Schools would receive approximately \$21 million of the \$41.1 million in new revenue. She further stated this is the largest increase that has been provided to the School System in the past five years.

Mr. Barber stated the state allows the county to grant several categories of tax relief for the elderly. He further stated he feels the county should expand its tax relief for the elderly program versus a tax rate reduction, while being cognizant of the effect it will have upon the school system. He requested that Ms. Dickson quantify to the extent possible expansion of tax relief for the elderly categories and provide this information to the Board.

Mr. Miller stated he supports expansion of tax relief for the elderly and would be prepared to look at the possibility of a combination of tax relief for the elderly as well as a decrease in the tax rate. He expressed concerns relative to younger people being pinched with escalating costs and receiving increased assessments, making it difficult to maintain their homes.

Mrs. Humphrey stated it is unfortunate that the county has become dependent upon real estate taxes for a stable revenue source because of actions by the General Assembly.

Mr. King stressed that whatever decisions the Board makes regarding tax relief, there should be a plan in place with goals and the Board should adhere to the plan.

Mr. Ramsey stated the budget process has just begun and staff will work with individual Board members over the next several weeks regarding the issue of real estate tax relief.

Mr. Barber thanked Ms. Dickson for the informative presentation.

Ms. Dickson called forward Mr. Braunstein to present an overview of the Community Services Board's proposed FY2006 budget.

Mr. Braunstein introduced members of the Community Services Board (CSB) present at the meeting. He then called forward Ms. Frances Hayes Brown, Chair of the Community Services Board to discuss CSB accomplishments.

Ms. Brown provided details of the Community Services Board's national recognition and regional accomplishments. She stated because of the effective organization of the CSB's case management for citizens with mental retardation, Chesterfield received the second highest number of Medicaid Waiver slots, which fund a package of services for people who are at risk of institutional care. She further stated the Chester House, which serves seriously mental ill adults with day services and employment training, is the best program of its type in the state and the CSB is looking forward to the new Chester House building. She provided details of the CSB's involvement in joint planning and stated the CSB achieved a surplus in FY2004 of over \$400,000, indicating that the department has been a good steward of the public trust. She then introduced CSB Vice-Chair Maria Brown to discuss FY2006 CSB challenges.

Ms. Brown reviewed revenue sources; infant services caseloads; and adult and child services accessibility. She expressed concerns relative to a state funding shortfall for the infant services program and the projected number of infants needing services. She stated the CSB needs

additional professional therapists in both adult and child programs to decrease the waiting times for mental health services. She thanked the Board for its continued support of the CSB.

Mrs. Humphrey stressed the importance of the infant program, indicating that eliminating this service would ultimately cost the school system more to provide physical therapy for the children.

In response to Mrs. Humphrey's question, Mr. Braunstein stated pediatricians refer infants that are not meeting basic developmental tasks to CSB professionals, who provide an assessment and refer the infants to specialists to provide treatment and train the parents for ongoing therapy after the infant is discharged from the program. He further stated nearly 400 Chesterfield County infants are served annually and noted that a shortfall of approximately \$100,000 could affect up to 100 infants being served by the program.

Discussion ensued relative to Medicaid Waiver slots.

In response to Mr. Barber's questions, Mr. Braunstein stated state funding only provides a certain number of Medicaid Waiver slots. He further stated, when a crisis situation arises, the CSB tries to negotiate the provision of services using local funds until a Medicaid Waiver slot becomes available.

Mr. Barber expressed concerns that decreased state funding continues to place a burden on localities.

Mr. Braunstein expressed concerns relative to cost shifting and decreased limits in the area of Medicaid funding for the CSB.

Mr. Barber thanked Mr. Braunstein for the informative presentation.

## **7. DEFERRED ITEMS**

There were no deferred items at this time.

## **8. NEW BUSINESS**

### **8.A. APPOINTMENTS**

On motion of Mr. Miller, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of a member to serve on the Disability Services Board.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

### **o DISABILITY SERVICES BOARD**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. Louis R. Hall, representing the Clover Hill District, to serve on the

Disability Services Board, whose term is effective immediately and expires December 31, 2005.

And, further, the Board reassigned Dr. Margaret Fields from an at-large position to the Midlothian District vacant position, and Reverend Charles Jackson from an at-large position to the Matoaca District vacant position.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **8.B. CONSENT ITEMS**

##### **8.B.1. SET PUBLIC HEARING DATES**

###### **8.B.1.a. TO CONSIDER AMENDMENTS TO SECTIONS 17-73 AND 17-76 OF THE SUBDIVISION ORDINANCE RELATING TO STANDARDS FOR PAVING OF STREETS AND ACCEPTANCE INTO THE STATE SYSTEM**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of March 9, 2005 at 7:00 p.m. for a public hearing for the Board to consider amendments to Sections 17-73 and 17-76 of the Subdivision Ordinance relating to standards for paving of streets and acceptance into the state system.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

###### **8.B.1.b. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK TRAFFIC ON MCENNALLY ROAD**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of March 9, 2005 at 7:00 p.m. for a public hearing for the Board to consider the restriction of through truck traffic on McEnnally Road.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

###### **8.B.1.c. TO CONSIDER THE APPROPRIATION OF REFUND RECEIVED FROM THE RIVERSIDE REGIONAL JAIL AUTHORITY**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of March 23, 2005 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of the \$1,157,400 per diem refund received from the Riverside Regional Jail Authority.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.1.d. TO CONSIDER THE APPROPRIATION OF UP TO \$30,000,000  
IN PAYMENT TO THE ESCROW AGENT FOR ADVANCE  
REFUNDING OF SERIES 1998A AND SERIES 1999A GENERAL  
OBLIGATION BONDS AND CLOSING COSTS, AND ADOPT A  
RESOLUTION FOR THE ADVANCE REFUNDING**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of February 23, 2005 at 7:00 p.m. for a public hearing for the Board to consider appropriation of up to \$30,000,000 for the advance refunding of Series 1998A and Series 1999A general obligation bonds and closing costs.

And, further, the Board adopted the following resolution:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF AN ISSUE OF NOT TO EXCEED THIRTY MILLION DOLLARS (\$30,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF THEIR STATED MATURITIES ALL OR A PORTION OF THE COUNTY'S OUTSTANDING GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES A OF 1998, ALL OR A PORTION OF THE COUNTY'S OUTSTANDING GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES A OF 1999 AND ALL OR A PORTION OF ONE OR MORE OTHER SERIES OF THE COUNTY'S OUTSTANDING GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING AND PROVIDING FOR THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT RELATING TO SUCH BONDS; AND PROVIDING WITH RESPECT TO CERTAIN OTHER MATTERS RELATED THERETO

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

SECTION 1. Findings and Determination. (a) Pursuant to Chapter 5.1 of Title 15.1 of the Code of Virginia, 1950, recodified effective December 1, 1997 as Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991 (the "Public Finance Act of 1991") an election duly called and held in the County of Chesterfield, Virginia (the "County") on November 5, 1996 and an Order of the Circuit Court of the County, dated January 6, 1997, and pursuant to a resolution duly adopted by this Board on December 10, 1997, there were authorized to be issued, sold and delivered the County's \$64,265,000 principal amount of General Obligation Public Improvement Bonds, Series A of 1998, dated January 15, 1998 and maturing in varying principal amounts on January 1 in each of the years 1999 to 2018, both inclusive (the "Series A of 1998 Bonds").

(b) Pursuant to the Public Finance Act of 1991 as then in effect, an election duly called and held in the County on November 5, 1996 and an Order of the Circuit Court of the County, dated January 6, 1997, and pursuant to a resolution duly adopted by this Board on December 10, 1997, there were authorized to be issued, sold and delivered the County's \$29,620,000 principal amount of General Obligation Public Improvement Bonds, Series A of 1999, dated January 15, 1999 and maturing in varying principal amounts on January 1



in each of the years 2000 to 2019, both inclusive (the "Series A of 1999 Bonds").

(c) Pursuant to the Public Finance Act of 1991, the County has heretofore authorized to be issued, sold and delivered one or more series of the County's General Obligation Public Improvement Bonds in addition to the Series A of 1998 Bonds and the Series A of 1999 Bonds.

(d) Pursuant to Article 5 of the Public Finance Act of 1991 (Sections 15.2-2643 through 15.2-2649, both inclusive, of the Code of Virginia, 1950, as now in effect), the County is authorized to issue refunding bonds to refund any or all of its bonds in advance of their stated maturities.

(e) This Board deems it advisable and in the interest of the County to refund in advance of their stated maturities all or a portion of one or more of the outstanding maturities of the Series A of 1998 Bonds and the Series A of 1999 Bonds and all or a portion of the outstanding maturities of one or more other series of the County's general obligation public improvement bonds (the "Refunded Bonds").

(f) This Board deems it advisable and in the best interest of the County to authorize and provide for the issuance, sale and delivery pursuant to such Article 5 of the Public Finance Act of 1991 (Sections 15.2-2643 through 15.2-2649, both inclusive, of the Code of Virginia, 1950, as now in effect) of an issue of General Obligation Public Improvement Refunding Bonds for the purpose of refunding in advance of their stated maturities all or a portion of the Refunded Bonds.

SECTION 2. Authorization of General Obligation Public Improvement Refunding Bonds. For the purpose of refunding in advance of their stated maturities all or a portion of the bonds described in Section 1, there are hereby authorized to be issued, sold and delivered an issue of general obligation public improvement refunding bonds of the County in a principal amount not exceeding \$30,000,000 to be designated and known as "General Obligation Public Improvement Refunding Bonds" (the "Bonds"). The Bonds are to be issued pursuant to the provisions of Chapter 26 of Title 15.2 of the Code of Virginia, 1950, as now in effect (the same being the Public Finance Act of 1991).

SECTION 3. Approval of the Details and Sale of the Bonds. The Bonds shall be dated such date, shall bear interest from their date payable on such date and semiannually thereafter and shall have such series designation as shall be determined by the County Administrator. The Bonds shall mature and become due and payable on such date or dates not exceeding twenty (20) years from their date and in such principal amounts on each such date as shall be determined by the County Administrator. The Bonds may be sold contemporaneously with any other bonds of the County.

(b) (i) The Bonds shall be issued only in fully registered form. One Bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC,

as registered owner of the Bonds, and each such Bond shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interests in the Bonds purchased.

(ii) Principal, premium, if any, and interest payments on the Bonds will be made by the County by wire transfer to DTC or its nominee, Cede & Co., or such other nominee of DTC, as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal, premium, if any, and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The County will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owner of the Bonds. So long as the Bonds are in book-entry only form, the County Treasurer will serve as Registrar and Paying Agent for the Bonds. The County reserves the right to designate a successor Registrar and Paying Agent for the Bonds if the Bonds at any time cease to be in book-entry only form.

(c) The Bonds shall be subject to redemption at the option of the County prior to their stated maturities, in whole or in part at any time, on such dates and with such redemption premiums, if any, as shall be determined by the County Administrator.

(d) In accordance with and subject to the provisions of the Detailed Notice of Sale of the Bonds, bidders may provide that all the Bonds shall be issued as serial Bonds or may provide that any two or more consecutive annual principal amounts shall be combined into one or more term Bonds. If the successful bidder designates principal amounts to be combined into one or more term Bonds, each such term Bond shall be subject to mandatory sinking fund redemption commencing on such date in the first year which has been combined to form such term Bond and continuing on such date in each year thereafter until the stated maturity date of that term Bond. The amount redeemed in any year shall be equal to the principal amount of serial Bonds that would otherwise have matured in such year. Bonds to be redeemed in any year by mandatory sinking fund redemption shall be redeemed at par and shall be selected by lot from among the Bonds then subject to redemption. The County, at its option, may credit against any mandatory sinking fund redemption requirement term Bonds of the maturity then subject to redemption which have been purchased and cancelled by the County or which have been redeemed and not theretofore

applied as a credit against any mandatory sinking fund redemption requirement.

(e) If any Bond (or any portion of the principal amount thereof in installments of \$5,000) shall be subject to redemption and shall be called for redemption, notice of the redemption thereof, specifying the date, number and maturity of such Bond, the date and place or places fixed for its redemption, the premium, if any, payable upon such redemption and if less than the entire principal amount of such Bond is to be redeemed, that such Bond must be surrendered in exchange for the principal amount thereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount thereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of such Bond at his address as it appears on the books of registry kept by the Registrar for the Bonds. The Registrar shall not be required to exchange or transfer any Bond later than the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption of such Bond or any portion thereof. If notice of the redemption of any Bond shall have been given as aforesaid, and payment of the principal amount of such Bond (or the portion of the principal amount thereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest on such Bond shall cease to accrue from and after the date so specified for redemption thereof. So long as the Bonds of any series are in book-entry only form, any notice of redemption will be given only to DTC or its nominee. The County shall not be responsible for providing any beneficial owner of the Bonds with notice of redemption.

SECTION 4. (a) Appointment of County Treasurer as Registrar and Paying Agent; Payment of Bonds; Books of Registry; Exchanges and Transfers of Bonds. Appointment of Registrar and Paying Agent. The County Treasurer is hereby appointed Registrar and Paying Agent for the Bonds (hereinafter referred to as the "Registrar").

(b) Payment of Bonds. (i) At any time during which the Bonds shall be in fully registered form, the interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of the Bonds at their addresses as the same appear on the books of registry as of the record date for the payment of interest on the Bonds, and the principal of and premium, if any, on the Bonds shall be payable at the office of the Registrar; *provided, however,* that so long as the Bonds are in book-entry only form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer .

(ii) At any time during which the Bonds shall be in book-entry form, the principal of and premium, if any, and interest on the Bonds shall be payable in accordance with the arrangements made with the depository for the Bonds.

(iii) The principal of and premium, if any, and interest on the Bonds shall be payable in such coin or

currency of the United States of America as at the respective dates of payment is legal tender for public and private debts. Interest on the Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

(c) Books of Registry; Exchanges and Transfers of Bonds. (i) At all times during which any Bond remains outstanding and unpaid, the Registrar shall keep or cause to be kept at its office, books of registry for the registration, exchange and transfer of the Bonds. Upon presentation at the office of the Registrar for such purpose, the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as herein set forth.

(ii) Any Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of such Bonds in other authorized principal amounts of the same interest rate and maturity.

(iii) Any Bond may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or his duly authorized agent, in form satisfactory to the Registrar.

(iv) All transfers or exchanges pursuant to this Section 4(c) shall be made without expense to the registered owners of the Bonds, except as otherwise herein provided, and except that the Registrar shall require the payment by the registered owner of any Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 4(c) shall be cancelled.

SECTION 5. Execution and Authentication of Bonds; CUSIP Identification Numbers. (a) Execution of Bonds. The Bonds shall be executed in the name of the County by the manual or facsimile signatures of the Chairman and the Clerk of the Board of Supervisors, and the corporate seal of the Board of Supervisors shall be impressed, or a facsimile thereof printed, on the Bonds.

(b) Authentication of Bonds. The County Administrator shall direct the Registrar to authenticate the Bonds and no Bonds shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by the Registrar. Upon the authentication of any Bond the Registrar shall insert in the certificate of authentication the date as of which such Bond is authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date the Bonds are delivered to and paid for by the initial purchasers thereof, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated on or after the record date for the payment of interest on the Bonds and prior to such interest payment

date, the certificate shall be dated as of such interest payment date and (iv) in all other instances the certificate shall be dated the date upon which the Bond is authenticated. The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

(c) CUSIP Identification Numbers. CUSIP identification numbers may be printed on the Bonds, but neither the failure to print any such number on any Bonds, nor any error or omission with respect thereto, shall constitute cause for failure or refusal by the successful bidder for the Bonds to accept delivery of and pay for the Bonds in accordance with the terms of its bid to purchase the Bonds. No such number shall constitute or be deemed to be a part of any Bond or a part of the contract evidenced thereby and no liability shall attach to the County or any of its officers or agents because of or on account of any such number or any use made thereof.

SECTION 6. Tax Covenant. The County covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Bonds.

SECTION 7. Sources of Payment of Bonds. The full faith and credit of the County shall be and is hereby irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Board of Supervisors is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes in the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Bonds to the extent other funds of the County are not lawfully available and appropriated for such purpose.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form set forth in Exhibit A with such necessary or appropriate variations, omissions and insertions as are incidental to their numbers, interest rates and maturities or as are otherwise permitted or required by law or this resolution.

SECTION 9. Preparation and Distribution of Preliminary Official Statement and Preparation, Execution and Delivery of Official Statement; Preliminary Official Statement "Deemed Final" for Purposes of Securities and Exchange Commission Rule 15c2-12. (a) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare and distribute, or cause to be prepared and distributed, to prospective purchasers of the Bonds a Preliminary Official Statement relating to the Bonds. All actions taken by the officials, employees, agents and attorneys of the County with respect to the preparation and distribution of such Preliminary Official Statement prior to the date hereof are hereby ratified and confirmed.

(b) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare, or to cause to be prepared, a final Official Statement relating to the Bonds, such final Official Statement to be in substantially the form of the Preliminary Official Statement with the completion therein of the information with respect to the interest rates to be borne by the Bonds as specified by the successful bidder for the Bonds and other definitive details of the Bonds determined upon the sale of the Bonds to the successful bidder therefor.

(c) The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Bonds the final Official Statement relating to the Bonds in accordance with the provisions of the Detailed Notice of Sale relating to the Bonds.

(d) The Preliminary Official Statement shall be "deemed final" as of its date for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12") except for the omission of information permitted to be omitted by Rule 15c2-12. The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Bonds a certificate dated the date of the Preliminary Official Statement stating that the Preliminary Official Statement is deemed final by the County for purposes of Rule 15c2-12 as of its date.

SECTION 10. Sale of Bonds. (a) There is hereby delegated to the County Administrator authority, without further action by the Board of Supervisors, to sell the Bonds authorized for issuance under this resolution in accordance with the provisions hereof at competitive sale at such price, plus accrued interest thereon from their date to the date of delivery thereof and payment therefor, and on such other terms and conditions as shall be provided in the Detailed Notice of Sale relating to the Bonds. The County Administrator is hereby authorized to cause to be prepared, published and distributed a Detailed Notice of Sale of the Bonds in such form and containing such terms and conditions as he may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Detailed Notice of Sale of the Bonds in accordance with the provisions of the immediately preceding sentence, the County Administrator is hereby authorized to cause a Summary Notice of Sale of the Bonds in such form as the County Administrator shall approve to be published in *The Bond Buyer* on a date selected by the County Administrator.

(b) The County Administrator is hereby authorized to receive bids for the purchase of the Bonds and, without further action by the Board of Supervisors, to accept the bid offering to purchase the Bonds at the lowest true interest cost to the County, computed in accordance with the provisions of the Detailed Notice of Sale; *provided* (i) that such bid is accompanied by a surety bond meeting the conditions specified in the Detailed Notice of Sale and is otherwise in conformity with the Detailed Notice of Sale and (ii) that the true interest cost to the County as specified in such bid is not in excess of four and one-half percent (4.50%). The County Administrator is hereby further authorized to determine, or to modify the provisions of this resolution with respect to, the dated date of the Bonds, the

interest payment dates for the Bonds, the dates on which the Bonds shall mature and the principal amount of the Bonds maturing on each such maturity date and to fix the rates of interest to be borne by the Bonds of each maturity as specified in the bid accepted by him in accordance with the immediately preceding sentence.

(c) The County Administrator is hereby further authorized to execute and deliver to the purchasers of the Bonds authorized for issuance under this resolution a Continuing Disclosure Certificate evidencing the County's undertaking, to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds. The County Administrator, the Director of Accounting and the County Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds one or more certificates in the forms provided for in the Official Statement relating to the Bonds.

SECTION 11. Authorization to Designate the Refunded Bonds for Redemption; Authorization to Select An Escrow Agent; Authorization to Enter into an Escrow Deposit Agreement; Authorization to Select a Verification Agent. (a) Subject to the sale and receipt of the proceeds of the Bonds, the County Administrator is hereby authorized to designate the Refunded Bonds for redemption on such date or dates as the County Administrator shall determine and is hereby further authorized to request the County Treasurer, as Registrar and Paying Agent for the Refunded Bonds, to cause the notice of the redemption of the Refunded Bonds to be given in accordance with the provisions of the proceedings authorizing the issuance of the Refunded Bonds.

(b) The County Administrator is hereby authorized, in his discretion, to select a bank or trust company to serve, or the County may itself serve, as Escrow Agent, if necessary, and to deliver to such Escrow Agent or applicable County officials irrevocable written instructions to give notices, or to cause such notices to be given, in the name and on behalf of the County, to the holders of the Refunded Bonds of the redemption of such Refunded Bonds on the dates fixed for the redemption thereof, such notices to be given in the manner and at the time or times provided in proceedings authorizing the issuance of the Refunded Bonds.

(c) The County Administrator is hereby authorized, in his discretion, to execute and deliver an Escrow Deposit Agreement by and between the County and the Escrow Agent in such form as shall be approved by the County Administrator upon the advice of counsel (including the County Attorney or Bond Counsel), such approval to be conclusively evidenced by the execution of the Escrow Deposit Agreement by the County Administrator.

(d) The County Administrator is hereby authorized to select a verification agent, if necessary, in connection with the refunding of the Refunded Bonds.

SECTION 12. Authorization to Purchase Government Securities. The County Administrator or the County Treasurer is hereby authorized to execute, on behalf of the County, subscriptions for United States Treasury Obligations - State and Local Government Series, if any, to be purchased by the County in connection with the refunding of the Refunded

Bonds. Such United States Treasury Obligations - State and Local Government Series, if any, so purchased shall be held by or on behalf of the County Treasurer or by the Escrow Agent under and in accordance with the provisions of any Escrow Deposit Agreement entered into in connection with the refunding of the Refunded Bonds. The County Administrator and or the County Treasurer is hereby authorized to enter into such purchase agreements, including forward supply agreements, if any, as shall be required in connection with the refunding of the Refunded Bonds providing for the purchase by or on behalf of the County in the open market of direct general obligations of, or obligations the payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America. The County Administrator or the County Treasurer is hereby authorized to sell any securities held by the Escrow Agent under and in accordance with the provisions of the Escrow Deposit Agreement and to purchase securities in lieu of and in substitution therefor.

SECTION 13. Filing of This Resolution. The County Attorney is hereby authorized and directed to file a copy of this resolution, certified by the Clerk of the Board of Supervisors to be a true and correct copy hereof, with the Circuit Court of the County of Chesterfield.

SECTION 14. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this resolution shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this resolution.

SECTION 15. Headings of Sections. The headings of the sections of this resolution shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections or of this resolution.

SECTION 16. Effective Date. This resolution shall take effect upon its adoption.

EXHIBIT A

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
COUNTY OF CHESTERFIELD  
GENERAL OBLIGATION PUBLIC IMPROVEMENT  
REFUNDING BOND, SERIES \_\_\_\_ OF 200\_\_

REGISTERED REGISTERED

No. R-\_\_ \$\_\_\_\_\_

INTEREST RATE: MATURITY DATE DATE OF BOND: CUSIP NO.

% \_\_\_\_\_, 20\_\_ \_\_\_\_\_, 200\_\_

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:



The County of Chesterfield (hereinafter referred to as the "County"), a political subdivision of the Commonwealth of Virginia, for value received, hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above), unless this Bond shall have been duly called for previous redemption and payment of the redemption price shall have been duly made or provided for, the Principal Amount (specified above), and to pay interest on such Principal Amount on \_\_\_\_\_, \_\_\_\_\_ and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date if interest has been paid to such date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such interest payment date if interest has been paid to such date, until the payment of such Principal Amount (each such date is hereinafter referred to as an interest payment date) at the Interest Rate (specified above) per annum, by check mailed by the Registrar hereinafter mentioned to the Registered Owner in whose name this Bond is registered on the books of registry kept and maintained by the Registrar, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date; *provided, however,* that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the office of the County Treasurer of the County, in Chesterfield, Virginia (the "Registrar"). The principal of and premium, if any, and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

This Bond is one of a duly authorized issue of Bonds (herein referred to as the "Bonds") of the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) of like date and tenor herewith, except for number, denomination, interest rate, maturity and redemption provisions, and is issued for the purpose of refunding in advance of their stated maturities certain previously issued general obligation bonds of the County, under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), and a resolution duly adopted by the Board of Supervisors of the County under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one maturing on and after \_\_\_\_\_, \_\_\_\_\_ (or portions thereof

in installments of \$5,000) shall be subject to redemption at the option of the County prior to their stated maturities on or after \_\_\_\_\_, \_\_\_\_\_ in whole or in part at any time, in such order as may be determined by the County (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bond or portions thereof shall be selected by lot), at a redemption price equal to the principal amount thereof, together with the interest accrued on the principal amount to be redeemed to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, the premium, if any, payable upon such redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the Registered Owner of this Bond at his address as it appears on the books of registry kept by the Registrar for the Bonds. The Registrar shall not be required to exchange or transfer this Bond later than the close of business on the forty-fifth (45th) next day preceding the date fixed for redemption of this Bond or any portion hereof. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, this Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of the series of which this Bond is one, of other authorized principal amounts of the same interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer, a new Bond or Bonds of the series of which this Bond is one, of authorized denominations and of the same aggregate principal amount, will be issued to the transferee in exchange herefor.

The full faith and credit of the County are irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Board of Supervisors is authorized and required to levy and collect annually, at the same time and in the

same manner as other taxes in the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on this Bond to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar.

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Bond and the series of which it is one, do exist, have happened and have been performed in regular and due time, form and manner as required by law, and that this Bond and the Bonds of the series of which this Bond is one do not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the County, by its Board of Supervisors, has caused this Bond to be executed by the manual or facsimile signature of the Chairman of such Board; a facsimile of the corporate seal of such Board to be imprinted hereon, attested by the facsimile signature of the Clerk of such Board; and this Bond to be dated \_\_\_\_\_, 200\_\_.

[SEAL]

Attest:

_____ Clerk of the Board of Supervisors	_____ Chairman of the Board of Supervisors
-----------------------------------------------	--------------------------------------------------

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

\_\_\_\_\_  
County Treasurer, as Registrar

Date of Authentication: \_\_\_\_\_.

ASSIGNMENT

For value received, the undersigned hereby sell(s), assign(s) and transfer(s) unto\_\_\_\_\_

\_\_\_\_\_  
(Please print or type name and address, including postal zip code, of transferee)

PLEASE INSERT SOCIAL SECURITY  
OR OTHER TAX IDENTIFYING NUMBER  
OF TRANSFEREE:

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to transfer such Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange, Inc. or a commercial bank or trust company.

\_\_\_\_\_  
(Signature of Registered Owner)  
NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration, enlargement or any change whatsoever.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**8.B.2.    STATE ROAD ACCEPTANCE**

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      Addition, New subdivision street

**Statutory Reference:**                §33.1-229

Project: Court Yard Road

● Court Yard Road, State Route Number: 5811

From: 0.13 Mi. W of Iron Bridge Rd., (Rt. 10)

To: 0.20 Mi. W of Iron Bridge Rd., (Rt. 10), a distance of: 0.07 miles.

Right-of-way record was filed on 1/21/2003 & 5/28/2003, with the Office Of Clerk To Circuit Court in Db. 4877 & 5117;

Pg. 956 & 365, with a width of 60 Ft.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.3. APPROVAL OF SEWER CONTRACT FOR RIVERS BEND EAST  
OFFSITE SANITARY SEWER PROJECT**

On motion of Mr. Miller, seconded by Mr. King, the Board approved the following sewer contract for Rivers Bend Offsite Sanitary Sewer, Contract Number 04-0335, which includes the extension of 6,598 L.F. ± of 15-inch and 16-inch oversized wastewater lines:

Developer: Rivers Bend East LLC

Contractor: Castle Equipment Corporation

Contract Amount:

Estimated County Cost for Oversizing . . . .	\$43,548.00
Estimated Developer Cost . . . . .	\$574,980.89
Estimated Total. . . . .	\$618,528.89

Code: Refunds thru Connections - Oversizing 5N-572VO-E4C

District: Bermuda

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.4. APPROVAL OF CHANGE ORDER FOR THE REPAIRS TO THE  
FALLING CREEK DAM CONTRACT**

On motion of Mr. Miller, seconded by Mr. King, the Board approved Change Order Number Two, in the amount of \$62,437, for the contract for repairs to the Falling Creek Dam, and authorized the County Administrator to execute the necessary documents.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.5. APPROVAL OF LEASE OF THE GREENFIELD COMMUNITY  
ASSOCIATION COMMUNITY BUILDING TO OPERATE A TEEN  
CENTER**

On motion of Mr. Miller, seconded by Mr. King, the Board authorized the County Administrator to enter into a lease agreement with the Greenfield Community Association for the

use of the Greenfield Community Association Building from June 27, 2005 to August 5, 2005. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.6. REQUESTS FOR PERMISSION**

**8.B.6.a. FROM GERALD D. MACAULAY AND JENNIFER L. WHITAKER FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 21, RUTHERFORD VILLAGE AT CHARTER COLONY**

On motion of Mr. Miller, seconded by Mr. King, the Board approved a request from Gerald D. MacAulay and Jennifer L. Whitaker for permission for a proposed fence to encroach within an eight-foot easement across Lot 21, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.6.b. FROM MCLAUGHLIN, LLC, TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON DE LAVIAL STREET**

On motion of Mr. Miller, seconded by Mr. King, the Board approved a request from McLaughlin, LLC for permission to install a private water service within a private easement to serve property at 12017 De Lavial Street, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.7. CONVEYANCE OF AN EASEMENT TO VERIZON VIRGINIA INCORPORATED TO RELOCATE UNDERGROUND CABLE ACROSS COUNTY PROPERTY AT THE CHESTERFIELD COUNTY AIRPORT**

On motion of Mr. Miller, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Verizon Virginia Incorporated to relocate underground cable across county property at Chesterfield County Airport. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.8. ADOPTION OF RESOLUTION SUPPORTING THE WIDENING OF ROUTE 10 FROM ROUTE 1 TO MEADOWVILLE ROAD**

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Route 10 in Chesterfield County is a principal arterial on the National Highway System which provides access between Interstates 95 and 295 and is a part of the Surface Transportation Assistance Act Truck Route system; and

WHEREAS, Route 10 serves as the main thoroughfare to the Site of the territory of the Appomattox Indians and the community of Bermuda Hundred the first incorporated community in English America that was originally established in 1613 by Sir Thomas Dale and the home of John Rolfe and Pocahontas; and

WHEREAS, visitors and residents must also travel along Route 10 to access Presquile National Wildlife Refuge, a 1329-acre island in the James River; and

WHEREAS, Chesterfield County Historical Society, Henricus Park and area businesses are working together to bring tourism to this corridor and historic sites along Route 10 will be highlighted in the Jamestown 2007 celebration; and

WHEREAS, in addition, Route 10 is a major corridor for industry in the Richmond Region and is a crucial link to Chesterfield's primary economic development area, including the Meadowville Technology Park; and

WHEREAS, the volumes on Route 10 between Interstates 95 and 295 are expected to increase from 45,000 vehicles per day to 65,000 vehicles per day in 2020; and

WHEREAS, the efficient movement of traffic on Route 10 between Interstates 95 and 295 is of vital importance to the economic development of Chesterfield County and the Richmond Region and the widening of Route 10 has been a Chesterfield County Board of Supervisor priority project since 1992; and

WHEREAS, in the early 1990's, Chesterfield County accomplished the six-lane widening of Route 10 from Meadowville Road to Interstate 295 by requiring developers to widen the west-bound lanes and by advancing funds to the state and administering a project to widen the east-bound lanes; and

WHEREAS, in hopes of accelerating the Route 10 from Interstate 95 to Meadowville Road widening project, Chesterfield County, using state funds, administered the design and held citizen meetings; and

WHEREAS, the Route 10 widening plans were approved by the Commonwealth Transportation Board on September 16, 1999, and have not advanced to the right-of-way and construction phases as a result of the lack of funding; and

WHEREAS, transportation improvements included in the Chesterfield County 2004 Bond Referendum were overwhelming supported by the citizens of the county and included \$15 million for the widening of Route 10 from Interstate 95 to Ware Bottom Springs Road; and

WHEREAS, the current VDOT Six-Year Improvement Program has allocated no funds toward the total estimated project cost of \$36 million.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors reiterates their support of the widening of Route 10 from Route 1 to Meadowville Road.

BE IT FURTHER RESOLVED, that the Chesterfield County Board of Supervisors does hereby request an allocation of funds necessary to widen Route 10 from Route 1 to Meadowville Road.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.9. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE DEPARTMENT OF ENVIRONMENTAL ENGINEERING TO PURCHASE PIPE TO BE INSTALLED IN A COUNTY DRAINAGE EASEMENT LOCATED IN BAY HILL POINTE SUBDIVISION, SECTION 12, BAYMILL COURT**

On motion of Mr. Miller, seconded by Mr. King, the Board transferred \$4,000 from the Matoaca District Improvement Fund to the Department of Environmental Engineering to purchase 140 feet of 30-inch pipe to be installed in a county drainage easement located in Bay Hill Pointe Subdivision, Section 12, Baymill Court.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**8.B.10. AWARD OF CONTRACT FOR BELLWOOD ELEVATED WATER STORAGE TANK REPAIRS AND REPAINTING PROJECT**

On motion of Mr. Miller, seconded by Mr. King, the Board awarded a contract to Utility Service Company, Incorporated, in the amount of \$947,450, for County Project Number 04-0299, Bellwood Elevated Water Storage Tank Repairs and Repainting.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS**

There were no hearings of citizens on unscheduled matters or claims at this time.

**10. REPORTS**

**10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS**

**10.B. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES**

**10.C. ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board accepted a report on Developer Water and Sewer Contracts and a report on the status of General Fund Balance, Reserve for



Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>Ashbrook, Section 13</u> (Effective 12/20/2004)	
Featherchase Drive (Route 4215) - From 0.02 mile west of Willow Walk Drive (Route 5648) to Twisted Cedar Drive (Route 5650)	0.31 Mi.
Twisted Cedar Court (Route 5802) - From Twisted Cedar Drive (Route 5650) to Cul-de-sac	0.05 Mi.
Twisted Cedar Drive (Route 5650) - From 0.03 mile west of Twisted Cedar Place (Route 5651) to Twisted Cedar Terrace (Route 5801)	0.01 Mi.
Twisted Cedar Drive (Route 5650) - From Twisted Cedar Terrace (Route 5801) to Featherchase Drive (Route 4215)	0.05 Mi.
Twisted Cedar Drive (Route 5650) - From Featherchase Drive (Route 4215) to Cul-de-sac	0.04 Mi.
Twisted Cedar Terrace (Route 5801) - From Twisted Cedar Drive (Route 5650) to Cul-de-sac	0.07 Mi.
Winding Ash Drive (Route 4219) - From 0.01 mile west of Winding Ash Court (Route 5649) to Cul-de-sac	0.04 Mi.
<u>Birkdale, Section 17</u> (Effective 12/20/2004)	
Mission Hills Circle (Route 5799) - From Mission Hills Lane (Route 5797) to Mission Hills Lane (Route 5797)	0.08 Mi.
Mission Hills Lane (Route 5797) - From Mission Hills Loop (Route 5798) to Mission Hills Circle (Route 5799)	0.07 Mi.
Mission Hills Lane (Route 5797) - From Mission Hills Circle (Route 5799) to 0.01 mile west of Mission Hills Circle (Route 5799)	0.01 Mi.
Mission Hills Lane (Route 5797) - From Mission Hills Circle (Route 5799) to Mission Hills Circle (Route 5799)	0.03 Mi.
Mission Hills Lane (Route 5797) - From Mission Hills Loop (Route 5798) to Mission Hills Loop (Route 5798)	0.02 Mi.
Mission Hills Lane (Route 5797) - From Spyglass Circle (Route 5279) to Mission Hills Loop (Route 5798)	0.10 Mi.

Mission Hills Loop (Route 5798) - From Mission Hills Lane (Route 5797) to Mission Hills Lane (Route 5797)	0.06 Mi.
<u>Birkdale, Section 18</u> (Effective 12/20/2004)	
Pebble Beach Court (Route 5800) - From Spyglass Hill Circle (Route 5279) to Cul-de-sac	0.16 Mi.
<u>Birkdale, Section 19</u> (Effective 12/20/2004)	
Mission Hills Lane (Route 5797) - From 0.01 mile south of Mission Hills Loop (Route 5799) to Cul-de-sac	0.04 Mi.
<u>Forest Lake, Section B</u> (Effective 12/30/2004)	
Feddo Court (Route 4431) - From Nile Road (Route 859) 0.27 mile east of Route 1/301 to Cul-de-sac	0.08 Mi.
Yoko Court (Route 4432) - From Laughter Lane (Route 859) to Cul-de-sac	0.09 Mi.
<u>Mineola Heights, Section 2</u> (Effective 12/17/2004)	
Dalhart Court (Route 5785) - From Tuscola Drive (Route 5789) to Cul-de-sac	0.06 Mi.
Tuscola Drive (Route 5789) - From Yantis Court (Route 5787) to Cul-de-sac	0.18 Mi.
Tuscola Drive (Route 5789) - From Mineola Drive (Route 3530) to Dalhart Court (Route 5785)	0.05 Mi.
Tuscola Drive (Route 5789) - From Vanhorn Court (Route 5786) to Yantis Court (Route 5787)	0.08 Mi.
Tuscola Drive (Route 5789) - From Dalhart Court (Route 5785) to Vanhorn Court (Route 5786)	0.06 Mi.
Vanhorn Court (Route 5786) - From Tuscola Drive (Route 5789) to Cul-de-sac	0.04 Mi.
Yantis Court (Route 5787) - From Tuscola Drive (Route 5789) to Cul-de-sac	0.03 Mi.
<u>Old Hundred Mill, Section B</u> (Effective 12/17/2004)	
Forest Mill Drive (Route 5795) - From Mill Walk Drive (Route 5794) to Forest Mill Drive Circle (Route 5796)	0.07 Mi.
Forest Mill Drive (Route 5795) - From Mill Meadow Drive (Route 5792) to Mill Walk Drive (Route 5794)	0.07 Mi.

Forest Mill Drive (Route 5795) - From Forest Mill Drive Circle (Route 5796) to Cul-de-sac	0.06 Mi.
Forest Mill Drive (Route 5795) - From Forest Mill Drive Circle (Route 5796) to Forest Mill Drive Circle (Route 5796)	0.03 Mi.
Forest Mill Drive Circle (Route 5796) - From Forest Mill Drive (Route 5795) to Forest Mill Drive (Route 5795)	0.05 Mi.
Liberty Walk Drive (Route 5790) - From Mill View Drive (Route 4765) to Mill Meadow Drive (Route 5792)	0.04 Mi.
Mill Meadow Court (Route 5793) - From Mill Meadow Drive (Route 5792) to Cul-de-sac	0.04 Mi.
Mill Meadow Drive (Route 5792) - From Forest Mill Drive (Route 5795) to Mill Meadow Court (Route 5793)	0.03 Mi.
Mill Meadow Drive (Route 5792) - From Liberty Walk Drive (Route 5790) to Forest Mill Drive (Route 5795)	0.06 Mi.
Mill Meadow Drive (Route 5792) - From Mill Shed Drive (Route 5791) to Liberty Walk Drive (Route 5790)	0.06 Mi.
Mill Meadow Drive (Route 5792) - From Mill Meadow Court (Route 5793) to 0.02 mile west of Mill Meadow Court (Route 5793)	0.02 Mi.
Mill Shed Drive (Route 5791) - From Mill Walk Drive (Route 5794) to Cul-de-sac	0.08 Mi.
Mill Shed Drive (Route 5791) - From Mill View Drive (Route 4765) to Mill Meadow Drive (Route 5792)	0.04 Mi.
Mill Shed Drive (Route 5791) - From Mill Meadow Drive (Route 5792) to Mill Walk Drive (Route 5794)	0.08 Mi.
Mill Walk Drive (Route 5794) - From Forest Mill Drive (Route 5795) to Mill Shed Drive (Route 5791)	0.12 Mi.
Ayes: Barber, King, Humphrey, Miller and Warren.	
Nays: None.	

11. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7), CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO ACTUAL LITIGATION IN THE CASE OF SIMPSON V. CHESTERFIELD COUNTY AND CONSULTATION WITH LEGAL COUNSEL AND BRIEFINGS BY STAFF MEMBERS ON SPECIFIC LEGAL MATTERS REGARDING A SEWER BACK-UP CLAIM IN CREEKWOOD SUBDIVISION

On motion of Mr. Miller, seconded by Mr. King, the Board went into a Closed Session pursuant to Section 2.2-3711(A)(7),

Code of Virginia, 1950, as amended, for consultation with legal counsel pertaining to actual litigation in the case of Simpson v. Chesterfield County and consultation with legal counsel and briefings by staff members on specific legal matters regarding a sewer back-up claim in Creekwood Subdivision.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

Reconvening:

On motion of Mr. Warren, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.  
Mr. Miller: Aye.  
Mrs. Humphrey: Aye.  
Mr. King: Aye.  
Mr. Barber: Aye.

## **12. DINNER**

On motion of Mr. King, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502 for dinner with members of the Chesterfield Community Services Board.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

Reconvening:

## **13. INVOCATION**

Reverend Henry E. Riley, Jr., Pastor of Centenary United Methodist Church, gave the invocation.

**14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Mr. John Harmon led the Pledge of Allegiance to the flag of the United States of America.

**15. RESOLUTIONS AND SPECIAL RECOGNITIONS**

**15.A. RECOGNIZING FEBRUARY 2005, AS "CHILDREN'S DENTAL HEALTH MONTH" IN CHESTERFIELD COUNTY**

Mr. Hammer introduced Dr. Samuel W. Galstan and Dr. C. Sharone Ward, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the third annual "Give Kids a Smile! Access to Dental Care Day" was conducted in a number of Chesterfield County dental offices and schools on February 4, 2005; and

WHEREAS, numerous children's dental health outreach activities and education will take place in Chesterfield County schools throughout February 2005; and

WHEREAS, through the joint efforts of the Southside Dental Society; the Virginia Department of Health, Division of Dentistry; the Medical College of Virginia School of Dentistry; the Alliance of the Southside Dental Society; local dentists and dental healthcare providers who volunteer their time, and the school district of Chesterfield County, this program was established to foster the improvement of children's dental health; and

WHEREAS, these dental volunteers have provided educational materials and programs and stress the importance of regular dental examinations; daily brushing and flossing; proper nutrition; sealants and the use of mouth guards to protect teeth during athletic activities; and

WHEREAS, several local dental offices volunteered their services on "Give Kids a Smile! Access to Dental Care Day," to provide treatment and education to local underprivileged children.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 9th day of February 2005, publicly recognizes February 4, 2005 as "Give Kids a Smile! Access to Dental Care Day" and February 2005, as "National Children's Dental Health Month" in Chesterfield County, and expresses gratitude, on behalf of all Chesterfield County residents, and commends those organizations responsible for their proactive approach to dental health and also commends Dr. Samuel Galstan, Dr. C. Sharone Ward, Dr. Frank Farrington and JoAnne Wells, R.D.H., for helping to protect our children's dental health.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented executed resolutions to Dr. Galstan and Dr. Ward and expressed appreciation for their efforts in promoting children's dental health.

Dr. Galstan expressed appreciation to the Board for its continued support.

**15.B. RECOGNIZING MIDLOTHIAN/CHESTERFIELD'S JUNIOR MISS SCHOLARSHIP PROGRAM**

**15.B.1. MS. JESSICA FERREIRA**

Mr. Kappel introduced Ms. Jessica Ferreira who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Junior Miss Scholarship Program provides college scholarships to outstanding young women; and

WHEREAS, while in high school, these young women must have excelled in academics; been active in extracurricular activities that serve the community; must have strived to be physically fit; and must have developed a performing talent; and

WHEREAS, Midlothian/Chesterfield's Junior Miss Scholarship Program was held in September 2004, with contestants representing the five area high schools in northern Chesterfield County; and

WHEREAS, Ms. Jessica Ferreira of Monacan High School has been named Chesterfield's Junior Miss 2005; and

WHEREAS, Ms. Ferreira won a \$1,200 scholarship for being selected as Chesterfield's Junior Miss, plus an additional \$500 for winning in the fitness category; and

WHEREAS, Ms. Ferreira has been active in the National Honor Society; Forensics; the Concert Choir; the Steppin' Out Girls' Show Choir; the Center Stage Mixed Show Choir and as Dance Captain and Choreographer for "Godspell"; and

WHEREAS, Ms. Ferreira also received awards for earning Distinguished Honor Roll status; Outstanding Achievement in Spanish, Grades 10 and 11; All District Workshop Chorus, Grade 9; and the Broadway Dance Center Summer Intensive 2003 Program; and

WHEREAS, Ms. Ferreira plans to attend Marymount Manhattan College; and

WHEREAS, Ms. Ferreira's career goal is to be a Broadway performer; and

WHEREAS, Ms. Ferreira is an outstanding representative of Chesterfield County youth.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 9<sup>th</sup> day of February 2005, publicly recognizes the exemplary achievements of Ms. Jessica Ferreira, wishes her continued success in her academic

pursuits, and is proud to have her represent Chesterfield County public schools as she continues with her higher education.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ms. Ferreira and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Ferreira, accompanied by her mother, congratulated her on her accomplishments, and wished her continued success.

**15.B.2. MS. CHRISTA COAKER**

Mr. Kappel introduced Ms. Christa Coaker who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Junior Miss Scholarship Program provides college scholarships to outstanding young women; and

WHEREAS, while in high school, these young women must have excelled in academics; been active in extracurricular activities that serve the community; must have strived to be physically fit; and must have developed a performing talent; and

WHEREAS, Midlothian/Chesterfield's Junior Miss Scholarship Program was held in September 2004, with contestants representing the five area high schools in northern Chesterfield County; and

WHEREAS, Ms. Christa Coaker of the Maggie Walker Governor's School for International Studies has been named Midlothian's Junior Miss; and

WHEREAS, Ms. Coaker won a \$1,200 scholarship for being selected as Midlothian's Junior Miss, plus an additional \$500 for winning the scholastic scholarship and \$500 for winning the talent scholarship; and

WHEREAS, Ms. Coaker has been active in the National Honor Society; Key Club; Governor's School Choir; the Acapella Group, the "Deadbeats;" Yearbook staff; and the Dance team; and

WHEREAS, Ms. Coaker also earned awards from the WSF National Champions Team Cheer Challenge All Stars; the Future Leaders of America Conference; the Virginia Future Problem Solving Conference and State Bowl; and the Virginia Junior Academy of Science, where she was a finalist; and

WHEREAS, Ms. Coaker has provided community service through the Mountain Top Tennessee Outreach Program; Habitat for Humanity; and Providence United Methodist Church, where she assisted with Vacation Bible School and various youth projects; and

WHEREAS, Ms. Coaker plans to attend the University of Virginia, with a career goal of becoming a pediatrician or performing other service in the field of medicine; and

WHEREAS, Ms. Coaker is an outstanding representative of Chesterfield County youth.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 9th day of February 2005, publicly recognizes the exemplary achievements of Ms. Christa Coaker, wishes her continued success in her academic pursuits, and is proud to have her represent Chesterfield County public schools as she continues with her higher education.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ms. Coaker and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Ms. Coaker, accompanied by her mother, congratulated her on her accomplishments, and wished her continued success.

**15.C. RECOGNIZING MR. JOHN HUGHES' SERVICE TO THE BRANDERMILL COMMUNITY AND CHESTERFIELD COUNTY**

Mr. Kappel introduced Mr. John Hughes who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. John Hughes is an outstanding citizen of Chesterfield County, Virginia; and

WHEREAS, Mr. Hughes proudly served his country in Vietnam as a U.S. Army Chief Warrant Officer and helicopter pilot; and

WHEREAS, Mr. Hughes earned his B. S. degree in Marketing from Stockton State College in 1974; and

WHEREAS, Mr. Hughes is well known for his service to the Brandermill Community Association; and

WHEREAS, Mr. Hughes has served his local community and Chesterfield County with great energy, leadership, dedication and wisdom in numerous capacities; and

WHEREAS, Mr. Hughes served as Director of the Brandermill Community Association for three years; as 2<sup>nd</sup> Vice-President for one year; as 1<sup>st</sup> Vice-President for three years; and as President for two years; and

WHEREAS, Mr. Hughes also served as a member of the Neighborhood Representative Council for seven years and as 1<sup>st</sup> Vice Chairman for 16 months; and



WHEREAS, Mr. Hughes also served on the Brandermill Community Association's 20<sup>th</sup> Anniversary Committee and as a liaison for the association; and

WHEREAS, Mr. Hughes was an active member of Hands Across the Lake and also a member of the Brandermill Lions Club; and

WHEREAS, Mr. Hughes served on the Board of Directors of the Chesterfield County Industrial Authority; and

WHEREAS, Mr. Hughes also served on the Board of Directors of the Central Virginia Chapter of the Community Associations Institute; and

WHEREAS, Mr. Hughes was a member of the Route 360 West Corridor Committee; and

WHEREAS, in all of these ways and many others, Mr. Hughes has left his mark on Brandermill and Chesterfield County in an extremely positive manner that will continue to have a beneficial effect for years to come; and

WHEREAS, Mr. Hughes has left the Brandermill Community Association.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of all Chesterfield County residents, this 9<sup>th</sup> day of February 2005, extends its sincere appreciation to Mr. John Hughes for his civic-minded spirit, leadership and pursuit of excellence, which have made Chesterfield County a better place in which to live, work and enjoy life; and extends all best wishes to Mr. Hughes for continued success in all his endeavors.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Hughes, accompanied by his wife, thanked him for his contributions to the Brandermill community and to Chesterfield County, and wished him continued success.

Mr. Hughes expressed appreciation to the Board for the recognition and also to Brandermill residents for their confidence in his service. He also expressed appreciation to various county staff members and to Mr. Russ Gulley and Mr. Warren for their support.

## **16. PUBLIC HEARINGS**

### **16.A. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS FOOTHILL LANE AND TWO TEN-FOOT TEMPORARY CONSTRUCTION EASEMENTS WITHIN WALTON PARK, SECTION G**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 50-foot unimproved right of way known as Foothill Lane and two ten-foot temporary construction easements within Walton Park, Section G.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Barber, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to MAJOR M. HILLARD, III and CATHY W. HILLARD, his wife, and C. PETER COLE and JULIE D. COLE, (husband and wife), ("GRANTEE"), a portion of a 50' unimproved right of way known as Foothill Lane, and two 10' temporary construction easements within Walton Park, Section G, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 35, at Page 55.

WHEREAS, MAJOR M. HILLARD, III and CATHY W. HILLARD, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 50' unimproved right of way known as Foothill Lane, and two 10' temporary construction easements, within Walton Park, Section G, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 35, Page 55, by J. K. TIMMONS & ASSOCIATES, INC., dated JANUARY 15, 1980, recorded FEBRUARY 12, 1980. The portion of right of way and easements petitioned to be vacated are more fully described as follows:

A portion of a 50' unimproved right of way known as Foothill Lane, and two 10' temporary construction easements, within Walton Park, Section G, the location of which is more fully shown on a plat attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of right of way and easements sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way and easements be and are hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a variable width drainage easement, as shown on the attached plat.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant

to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the portion of right of way hereby vacated to the abutting lot owners and the easements hereby vacated to the underlying owners of Lot 5, Block X, and Lot 2, Block U, Walton Park, Section G free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and MAJOR M. HILLARD, III and CATHY W. HILLARD, his wife, and C. PETER COLE and JULIE D. COLE, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**16.B. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A SEVENTY-FOOT RIGHT OF WAY KNOWN AS FOX CLUB PARKWAY WITHIN FOXCROFT, SECTION III**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 70-foot right of way known as Fox Club Parkway within Foxcroft, Section III.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to FOXCROFT HOMEOWNERS ASSOCIATION, INC., a Virginia non-stock corporation, ("GRANTEE"), a portion of a 70' right of way known as Fox Club Parkway within Foxcroft, Section III, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 84, at Page 68.

WHEREAS, FOXCROFT HOMEOWNERS ASSOCIATION, INC., a Virginia non-stock corporation, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 70' right of way known as Fox Club Parkway within Foxcroft, Section III, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 84, Page 68, by BIOHABITATS LAND SURVEYING & ENGINEERING DIVISION, dated MAY 27, 1994, recorded JUNE 27, 1994. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of a 70' right of way known as Fox Club Parkway within Foxcroft, Section III, the location

of which is more fully shown on a plat made by BIOHABITATS LAND SURVEYING & ENGINEERING DIVISION, dated MAY 17, 1994, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a 16' drainage easement and a 70' water easement, as shown on the attached plat.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. Since the portion of right of way within Foxcroft, Section III is located on the periphery of the plat, this Ordinance shall vest fee simple title to the portion of right of way vacated in the owner of common area "A" free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and FOXCROFT HOMEOWNERS ASSOCIATION, INC., a Virginia non-stock corporation, or its successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber recognized several Boy Scouts present at the meeting to fulfill requirements for their Journalism Badge.

**16.C. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A TWENTY-FOOT DRAINAGE EASEMENT WITHIN LELAND VILLAGE AT CHARTER COLONY, SECTION A**

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 20-foot drainage easement within Leland Village at Charter Colony, Section A.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to W. V. MCCLURE, INC., a Virginia corporation, t/a MAIN STREET HOMES, ("GRANTEE"), a portion of a 20' drainage easement across Lot 17, Leland Village at Charter Colony, Section A, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 139, at Pages 70-73.

WHEREAS, W. V. MCCLURE, INC., a Virginia corporation t/a MAIN STREET HOMES, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 20' drainage easement across Lot 17, Leland Village at Charter Colony, Section A, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 139, Pages 70-73, by YOUNGBLOOD, TYLER & ASSOCIATES, INC., dated JUNE 16, 2003, recorded DECEMBER 11, 2003. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 20' drainage easement, across Lot 17, Leland Village at Charter Colony, Section A, the location of which is more fully shown on a plat made by BALZER AND ASSOCIATES, INC., dated JANUARY 4, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in

the property owner of Lot 17, Leland Village at Charter Colony, Section A free, and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and W. V. MCCLURE, INC., a Virginia corporation, t/a MAIN STREET HOMES, or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

**17. ADJOURNMENT**

On motion of Mr. King, seconded by Mr. Miller, the Board adjourned at 7:36 p.m. until February 15, 2005 at 7:00 p.m. for a meeting with the county's legislative delegation at the Downtown Club.

Ayes: Barber, King, Humphrey, Miller and Warren.  
Nays: None.

\_\_\_\_\_  
Lane B. Ramsey  
County Administrator

\_\_\_\_\_  
Edward B. Barber  
Chairman